IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6149 OF 2007

Mrs. Hafeza Yakub Lakhani .... Petitioner

versus

Mrs. Aafreen Faiyyaz Ahmed & anr..... Respondent.

Shri R.A.Shaikh for the petitioner
Ms. Nisha Dabhade for Respondent no.2.

CORAM; A.P. DESHPANDE, J.
DATED; 24TH AUGUST, 2007

P.C.;

1. The order passed by the trial Court dismissing notice/application seeking condonation of delay in filing Election Petition has given raise to the filing of the present Writ Petition. The Election Petition came to be filed by the present petitioner belatedly under section 33 of the Mumbai Muncipal Corporation act. Section 33(1) provides that an election petition can be filed by a person within ten days from the date on which the list prescribed under clause (k) of section 28 was made available for sale and inspection. There was some delay in filing of the election petition. Hence an application was moved by the present petitioner seeking condonation of delay by placing reliance on the provisions of Limitation act. The trial court has held that the provisions of

Limitation act do not apply to the filing of an election petition, as the provision dealing with the election petition is a complete code in itself. Hence application for condonation of delay has been rejected. The learned counsel for the petitioner has failed to point out as to how come provisions of Limitation Act are applicable for filing of an election petition. In the absence of any concrete material being placed on record in support of the applicability of the provisions of Limitation Act, I do not find any fault with the order passed by the trial court. In the result, the writ petition fails and it is rejected.

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